

HOUSE BILL 2107
By Newton

AN ACT to amend Tennessee Code Annotated, Title 39, Chapter 17, Part 13, relative to handgun permits.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following as a new section to be appropriately designated:

Section 39-17-13 _____. (a) On or after January 1, 1999, no dealer licensed pursuant to 18 U.S.C. Section 923 or Chapter 13 of Title 39 shall sell or deliver from his or her business inventory at his or her licensed premises any handgun to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until:

(1) The dealer has obtained a completed consent form from the potential buyer or transferee, which form shall have been promulgated by the department and provided by the licensed dealer, which shall include only the name, birth date, gender, race, and social security number or other identification number of such potential buyer or transferee;

(2) The dealer has inspected identification containing a photograph of the potential buyer or transferee;

(3) The dealer has requested, by means of a toll-free telephone call, that the department conduct a criminal history and involuntary hospitalization records check;

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(4) The dealer has received a unique transaction number for that inquiry from the department verifying that the information available to the department does not indicate that possession of a handgun by the transferee would be in violation of federal or state law; and

(5) The dealer has recorded the date of receipt of the identifying number and the number on the consent form.

(a) (1) Upon receipt of a request for a criminal history and involuntary hospitalization records check, the department shall immediately, during the licensee's call or by return call:

(A) Review all criminal history and involuntary hospitalization records electronically available to the department to determine if the potential buyer or transferee is prohibited from receipt or possession of a handgun pursuant to state or federal law.

(B) Inform the licensee making the inquiry that its records demonstrate that the potential buyer or transferee is so prohibited or provide the licensee with a unique transaction number.

(2) In the event that the electronic check of records available to the department as provided in subsection (a) of this section reveals the existence of a criminal history record not immediately available to the department so as to determine the eligibility of the potential buyer to purchase a handgun, the department shall in the same call or return call advise the licensee of such existing, but not immediately available, record. In that event, the licensee shall not complete the sale of the handgun until the department advises the licensee that information subsequently received as a result of that request shows that the potential buyer is not prohibited from receiving or possessing a handgun under state or federal law.

(c)(1) In the event of electronic failure, scheduled computer downtime, or similar emergency beyond the control of the department or center which prevents or delays the checks from being made as provided in subsection (b), the department shall immediately notify the requesting licensee of the reason for, and estimated length of, such delay. After such notification, the center shall, as soon as possible but in no event later than noon of the next business day after the day the request is made, inform the licensee if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law or if a requested purchase or transfer is authorized. Unless notified by the morning of the next day after the request is made that the potential buyer or transferee is so prohibited, the licensee may complete the transaction and shall not be deemed in violation of this part.

(2) A licensed dealer is not required to comply with the requirements of this part in the event of unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of such premises or the interruption of telephone service by reason of tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee.

Section 39-17-13 _____. The department shall establish a toll-free telephone number which shall be operational Monday through Saturday between the hours of 8:00 A.M. and 10:00 P.M. and operational on Sundays between the hours of 8:00 A.M. and 6:00 P.M. for purposes of responding to inquiries as described in this part from licensed dealers; provided, however, that such telephone service established by the department

shall not be operational on Christmas Day. The department shall employ and train such personnel as are necessary to administer expeditiously the provisions of this section.

SECTION 2. This act shall take effect July 1, 1998, the public welfare requiring it.